

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELOHIM EPF USA, INC.,

Plaintiff,

19-cv-2431 (PKC)

-against-

ORDER ON DEFAULT

NORAE HAHNUN JIB d/b/a OPEN KARAOKE,
SWEETIE & VIP, INC. d/b/a I LUV LUXURY
ROOM and G S GLOBAL CORP. d/b/a RED,

Defendants.

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CASTEL, U.S.D.J.

On April 26, 2023, the Court granted plaintiff Elohim's motion for default judgment on liability only as to defendants Norae Hahnun JIB d/b/a Open Karaoke ("Open Karaoke"), Sweetie & VIP, Inc. d/b/a I Luv Luxury Room ("Luxury Room") and G S Global Corp. d/b/a Red ("Red"). (ECF 306.) The Court deferred any ruling on damages, explaining: "A trial record and any damages awarded by a jury will be useful to the Court in determining the appropriate statutory damages to be paid by the three defaulting defendants. Similarly, the Court will be better-positioned to weigh Elohim's application for permanent injunctive relief after Elohim presents its evidence at trial." (*Id.* at 3-4.) The parties stipulated to withdraw their demand for a jury trial and the Court entered their stipulation as an Order. (ECF 308.) Elohim's claims were tried to the Court, which issued its Opinion and Order, Findings of Fact and Conclusions of Law on December 18, 2023 (the "Opinion"). (ECF 369.) The Court awarded statutory damages under the Copyright Act of \$3,500 against each defendant karaoke establishment for each Disputed Work publicly performed at its establishment. (*See id.*)

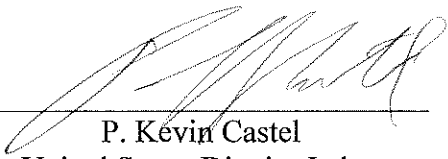
The Declaration of David Cha signed on January 18, 2023 (ECF 293) states that on February 27 and 28, 2018, he and a colleague visited Open Karaoke, Luxury Room and Red, and were able to publicly perform all seven of the Disputed Works on these defendants' karaoke machines. (Cha Dec. ¶¶ 4-6.) Consistent with the Opinion, "Ni Kka Jit Ge," "Ga Sik Geol," "So Cool," and "Push Push" are treated as one work for the purpose of awarding statutory damages. The Court concludes that, based on the contents of the Cha Affidavit, Elohim has demonstrated that it is entitled to \$14,000 in statutory damages from each of Open Karaoke, Luxury Room and Red. Elohim is entitled to post-judgment interest on damages. See 28 U.S.C. § 1961.

Defendants will be enjoined from publicly performing the Disputed Works and publicly displaying their lyrics. See 17 U.S.C. § 502(a).

Any award of attorneys' fees will be subject to Elohim's 17 U.S.C. § 505 motion for an award of reasonable attorneys' fees and costs.

The Clerk is respectfully directed to terminate the motion. (ECF 372.)

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
January 23, 2024